

**Notice of Allowability**

Application No.

10/624,724

Examiner

Kristen Mullen

Applicant(s)

FALTYS ET AL.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/21/05.
2. ☒ The allowed claim(s) is/are 4, 8-12, 14 and 16.
3. ☒ The drawings filed on 7/21/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

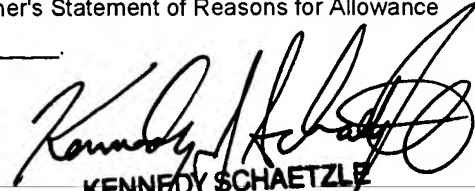
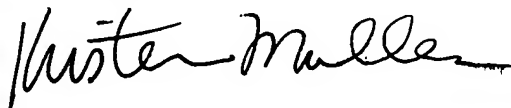
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
KENNEDY SCHAEZLE  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victoria Poissant on 6/21/05.

The application has been amended as follows:

**Specification**, page 1, line 2: following "3/30/2001" --, now U.S. Pat. No. 6,826,430-- has been added.

**Claim 4,**

line 8: "electrodes" has been changed to --electrode contacts--.

line 14: delete "all in combination with".

**Claim 8**, the entire text of claim 8 has been deleted and replaced with:

An active electrode array comprising:

a plurality of active electrodes;

wherein each active electrode includes switching circuitry built into the electrode array and a plurality of individual electrode contacts that may be individually activated by electrode control signals applied to the switching circuitry;

wherein the plurality of individual electrode contacts included within each active electrode comprises at least one lateral electrode contact and at least one medial electrode contact;

wherein the switching circuitry of each active electrode comprises:

decoding circuitry,

a first switch coupled to the decoding circuitry and the at least one lateral electrode contact, and

a second switch coupled to the decoding circuitry and the at least one medial electrode contact, wherein the decoding circuitry responds to the electrode control signals and causes the first and second switches to selectively activate one or both of the at least one medial or at least one lateral electrode contacts.

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**Claim 12**, the entire text of claim 12 has been deleted and replaced with:

An active electrode array comprising:

a flexible carrier in which  $n+1$  wires are embedded, where  $n$  is an integer of at least 4;

an active electrode array at or near a distal end of the flexible carrier comprising at least  $2n$  electrode contacts;

wherein the at least  $2n$  electrode contacts included within the active electrode array comprises at least  $n$  lateral electrode contacts and at least  $n$  medial electrode contacts;

switching circuitry located at or near the distal end of the flexible carrier adjacent the electrode contacts, said switching circuitry being responsive to control signals presented on at least a plurality of the  $n+1$  wires so as to direct a stimulation signal presented on another of the  $n+1$  wires to a selected pair of the electrode contacts;

means for connecting the  $n+1$  wires at a proximal end of the flexible carrier to electronic circuitry adapted to generate the control signals and stimulation signal;

whereby at least  $2n$  electrodes located at the distal end of the flexible carrier may be connected for individual control through no more than  $n+1$  wires embedded within the flexible carrier; and wherein the switching circuitry of each active electrode comprises:

decoding circuitry,

a first switch coupled to the decoding circuitry and the at least  $n$  lateral electrode contacts, and

a second switch coupled to the decoding circuitry and the at least  $n$  medial electrode contacts, wherein the decoding circuitry responds to the electrode control signals and causes the first and second switches to selectively activate one or both of the at least  $n$  medial or at least  $n$  lateral electrode contacts.

**Claim 13** has been cancelled.

**Claim 14**, line 1: "13" has been deleted and replaced with --12--.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen Mullen whose telephone number is (571) 272-4944. The examiner can normally be reached on M-F, 10:30 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristen Muller*

kdm

*Kennedy Schaeetzle*  
KENNEDY SCHAEETZLE  
PRIMARY EXAMINER  
6/22/05